

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
vs.
DARRYL RUSSELL FLETT,
Defendant.

No. 2:14-CR-0120-SMJ-2
**ORDER DENYING MOTION
FOR TEMPORARY FURLOUGH**

BEFORE THE COURT is the Defendant's "Stipulation for Temporary Pretrial Release" (ECF No. 77), which the Court expedites and construes as an agreed motion for temporary furlough. The Defendant requests a 24-hour furlough to visit his grandfather/adoptive father, who is terminally ill, at the grandfather's residence.

On September 3, 2014, the grand jury returned an Indictment charging the Defendant, and two others, with Conspiracy to Commit Assault, Assault with a Dangerous Weapon in Indian Country, Assault Resulting in Serious Bodily Injury in Indian Country, and Robbery in Indian Country. (ECF No. 1). The charges are serious violent felonies stemming from a violent assault which occurred on August 13, 2012 on the Spokane Indian Reservation. The Indictment alleges that this Defendant participated in the assault of the victim along with Richard Peone. The Court notes that Mr. Peone has already been convicted and sentenced to 39 months in prison for his role in the assault, after having admitted to "striking and repeatedly kicking the victim in the head and stomach with shod feet, dragging the injured victim's body to the front of a vehicle then taking and texting a photograph, and accepting 'roxycontin' pills as payment for the assault." *See* EDWA Cause No 2:14-CR-0070-JLQ, ECF No. 37. The Defendant faces up to 15 years

1 imprisonment on the robbery charge, up to 10 years on the assault charges, and up
2 to 5 years imprisonment on the conspiracy charge.

3 At the Defendant's Initial Appearance hearing on September 11, 2014, the
4 Government moved for the Defendant's detention. According to the Pretrial
5 Services Report, "[a]t the direction of defense counsel, given the Defendant is the
6 subject of an outstanding arrest warrant, the defendant was not interviewed..." The
7 Defendant subsequently waived his right to a detention hearing and was remanded
8 into custody by Magistrate Judge Rodgers. Defendant's furlough motion seeks a
9 temporary release of the Defendant, yet the Court lacks any information
10 concerning the history and background of this Defendant, including history of
11 substance abuse, mental health issues, and full criminal history. Moreover, the
12 Defendant has not furnished the Court with any information pertaining to the name
13 of the grandfather, location of his residence, or severity of his illness. Even if the
14 Court had more information to evaluate this furlough request, given the violent
15 nature of the charged offenses, any furlough would require the supervision of an
16 off-duty policeman or sheriff's deputy.

17 Accordingly, Defendant's motion for temporary furlough (ECF No. 77) is
18 **DENIED**, with leave to renew.

19 The Clerk of the Court shall enter this Order and provide copies to counsel,
20 U.S. Probation, and the U.S. Marshal.

21 DATED November 7, 2014.

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23 s/James P. Hutton
24 JAMES P. HUTTON
25 UNITED STATES MAGISTRATE JUDGE
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